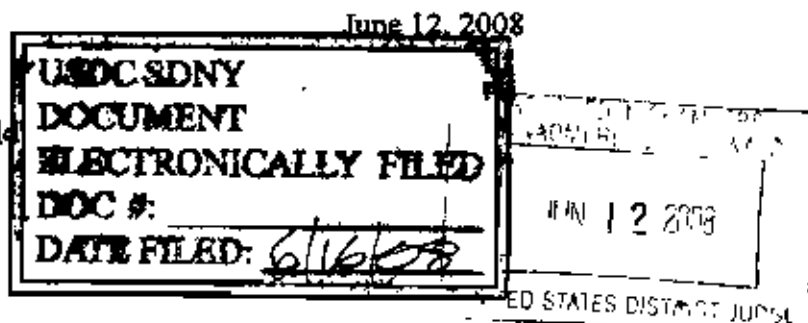


MEMO ENDORSED**SOUTH BROOKLYN LEGAL SERVICES**

Brooklyn Legal Services Corp. B - John C. Gray, Project Director
 105 Court Street, Brooklyn, NY 11201 · (718) 237-5500 · Fax (718) 855-0733
 Jonathan Koevary, Of Counsel, Housing Law Unit, (718) 237-5523

By Fax (212-805-7927)
 Honorable Naomi Reice Buchwald
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, NY 10007



Re: Leige v. Hernandez et al., 08 Civ. 3968 (NRB)

Dear Judge Buchwald:

This office represents Clarissa Leige, the plaintiff in the above-referenced matter. This letter is written in response to the letter dated June 6, 2008 (the "June 6 Letter") of Tino Hernandez and the New York City Housing Authority ("NYCHA"), the two defendants in the above-referenced matter, by and through their shared counsel, the NYCHA Law Department. NYCHA is the plaintiff's landlord and Tino Hernandez is the Chairman of NYCHA.

Through the June 6 Letter, defendants seek a pre-motion conference regarding their stated intention to move, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, for partial dismissal of the claims brought against them through the First Amended Complaint dated May 14, 2008 [Dkt. No. 5].

Based on discussions with the NYCHA Law Department, the plaintiff is prepared to amend her complaint to address each of the issues raised through the June 6 Letter. Specifically, plaintiff is prepared to file a second amended complaint that would exclude each of the claims of the First Amended Complaint that defendants took issue with in its June 6 Letter (i.e., the due process portion of its First Claim; and the Third through Fifth Claims).

Therefore, the defendants have agreed to accept service of the plaintiff's second amended complaint with the understanding that plaintiff would exclude each of the aforementioned claims for which defendants seek dismissal. Furthermore, the parties have stipulated that plaintiff will serve a second amended complaint on or before July 1, 2008 and that defendants will serve their answer (or otherwise respond) on or before July 31, 2008. This office intends to contact Chambers during the week of June 16, 2008, to confirm this Court's acceptance of this schedule. This office will promptly relay information learned from Chambers to opposing counsel.

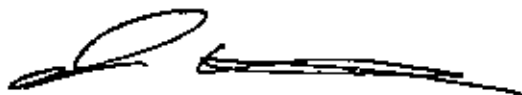
It is critical to the case moving forward, however, to note that defendants, through the June 6 Letter, indicated no intention to challenge, on Rule 12(b) or any other ground, plaintiff's

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right to have this Court hear the remainder of the claims asserted in the First Amended Complaint. These claims, which defendants have not challenged through the June 6 Letter, go to the very core of the plaintiff's case and will be asserted in the second amended complaint. These core claims assert that plaintiff is disabled and one of two minor children who resides with her is severely disabled; and that defendants, in seeking to evict the plaintiff and in failing to provide for appropriate bathroom facilities in a meaningful and/or reasonable manner, have violated plaintiff's rights under Title II of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; and the Fair Housing Act, as amended, 42 U.S.C. § 3601 et seq.

Finally, I would like take this opportunity to notify this Court that Friday, June 13, is my last scheduled day serving as Of Counsel to South Brooklyn Legal Services ("SBLS"). After a one week vacation, I will return to my full time associate position at Kramer Levin Naftalis & Frankel LLP ("Kramer Levin"). Through Kramer Levin's Associate Service Program, Kathleen Pirozzolo will take over my caseload at SBLS. Ms. Pirozzolo will be available at the same contact number, (718) 237-5523. Ms. Pirozzolo's New York State Bar admission is pending. Ed Josephson, Esq., Director of Litigation for SBLS, will supervise. Mr. Josephson's contact number is (718) 237-5538.

Respectfully submitted,



Jonathan Koevary (JK 5730)
Of Counsel, Housing Law Unit

cc: Jeffrey Niederhoffer, Esq.
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Law Department
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(By Fax [212-776-5404] and Regular Mail)